

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
FEBRUARY 14, 2005**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, February 14, 2005 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Sr., Portia Shipman, Bill Schneider, Peter Kauber, Brian Byrd, J.D. Haynes and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., City Attorney's Office. Carrie Reeves, Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made of any Commission decision.

APPROVAL OF THE MINUTES OF THE JANUARY 10, 2005 REGULAR MEETING.

Mr. Gilmer moved approval of the minutes of the January 10, 2005 regular meeting, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion to amend the minutes. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Mr. Schneider moved approval of the minutes of the January 19, 2005 joint Planning Board/Zoning Commission regular meeting, seconded by Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

ADJUSTMENTS IN AGENDA

Chair Wolf advised that Item D would be withdrawn at the request of Henry Isaacson, the attorney representing applicants.

Mr. Gilmer moved to withdraw this item, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Mr. Ruska stated that there was a possibility that Item L would be withdrawn but the applicant was not present.

Chair Wolf stated that Mr. Byrd would recuse himself from Item A because his law firm represents the applicant.

Mr. Collins moved to recuse Mr. Byrd, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: THE FOLLOWING USES SHALL BE PROHIBITED ON THE PROPERTY: (A) SEXUALLY-ORIENTED BUSINESSES; (B) ALL USES PROHIBITED IN THE WATERSHED CRITICAL AREA AS SET FORTH AT**

SECTION 30-7-3.3 OF THE GREENSBORO ZONING ORDINANCE EXCEPT FULL SERVICE CAR WASHES IN WHICH THE USED WASH WATER IS RECYCLED ON THE PROPERTY OR ROUTED TO THE SANITARY SEWER SYSTEM. 2) THE MAXIMUM HEIGHT OF ANY BUILDINGS SHALL BE LIMITED TO FIFTY (50) FEET. 3) CURB CUTS WILL BE LIMITED TO A MAXIMUM OF TWO – ONE AT THE SIGNALIZED INTERSECTION OF BATTLEGROUND AVENUE AND COTSWOLD AVENUE, AND THE OTHER, AN UNSIGNALIZED CURB CUT SOUTH OF THAT INTERSECTION. AT A MAXIMUM LEVEL OF RESTRICTION, THE UNSIGNALIZED CURB CUT ON BATTLEGROUND AVENUE WILL BE LIMITED TO RIGHT IN/RIGHT OUT ACCESS ONLY. HOWEVER, SHOULD A TRAFFIC ANALYSIS AND APPROPRIATE GEOMETRIC (SITE) DESIGN REVEAL THAT NORTHBOUND LEFT TURNS INTO THE SITE CAN BE SAFELY ACCOMMODATED, GDOT AND THE NCDOT MAY APPROVE THE ALTERNATE ACCESS PROPOSAL. IN EITHER CASE, FULL ACCESS MOVEMENT FROM THE UNSIGNALIZED DRIVEWAY WILL NOT BE PERMITTED AND THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE APPROVED (GDOT AND NCDOT) DRIVEWAY/ACCESS PLAN FOR THE SITE. IF THE ALTERNATIVE ACCESS DESIGN IS APPROVED BY GDOT AND NCDOT THE DEVELOPER SHALL NOT BE REQUIRED TO PAY THE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF AN ASSOCIATED SOUTHBOUND LEFT TURN. 4) NO BILL BOARD SHALL BE LOCATED ON THE PROPERTY. 5) A BUFFER OF AT LEAST 50 FEET CONSISTING OF OPEN SPACE AND NATURAL AREA WILL BE MAINTAINED ON EITHER SIDE OF THE STREAM WHICH RUNS THROUGH THE PROPERTY (DISTANCES TO BE MEASURED FROM THE TOP OF THE STREAM BANKS). 6) NO UNDERGROUND STORAGE TANKS WILL BE PLACED ON THE PROPERTY. TO CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) THE USE SHALL BE LIMITED TO OFFICES FOR A SELF-STORAGE FACILITY, SELF-STORAGE BUILDINGS AND ACCESSORY USES ONLY. 2) NO OVERNIGHT OUTSIDE STORAGE SHALL BE PERMITTED. 3) HVAC UNITS WILL BE SCREENED FROM BATTLEGROUND AVENUE. 4) FREESTANDING SIGNAGE AT BATTLEGROUND AVENUE WILL NOT EXCEED 25 FEET IN HEIGHT. 5) THE MAXIMUM BUILDING HEIGHT WILL BE 36 FEET. 6) STORAGE OF HAZARDOUS, TOXIC OR EXPLOSIVE SUBSTANCES SHALL BE PROHIBITED. 7) HOURS OF OPERATION SHALL BE MONDAY THROUGH SATURDAY 8:00 A.M. TO 8:00 P.M. AND SUNDAY 12:00 NOON TO 5:00 P.M. 8) THE OFFICE BUILDING WILL BE CONSTRUCTED WITH MASONRY BLOCK AND EIFS (STUCCO-LIKE SYSTEM) WITH STOREFRONT WINDOWS AND THE ROOF WILL BE STANDING SEAM METAL AND THE MULTI-STORY BUILDING WILL BE OF PRECAST SCORED CONCRETE AND THE ROOF WILL BE MEMBRANE WITH DECORATIVE PARAPET. 9) NO CARETAKER DWELLING UNIT(S) WILL BE PERMITTED. 10) THE MULTI-STORY BUILDING WILL SCREEN ANY OUTSIDE DOORS FROM BATTLEGROUND AVENUE. 11) NO BILLBOARD SHALL BE LOCATED ON THE PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHWEST SIDE OF BATTLEGROUND AVENUE BETWEEN COTSWOLD AVENUE AND BRASSFIELD ROAD – FOR BATTLE CROSSING II, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, 300 N. Greene Street, representing the applicants, stated that this is a request to change from Highway Business to Conditional District-Light Industrial. The HB District does permit a mini storage warehouse facility which is what the applicant wishes to develop and operate on the

property, however, it places a height limit in the HB District at one story and some aspects of this use will be higher than that. The applicant has sent letters to residents in the immediate area indicating the proposed use of the property.

Steve Benson, Morningstar Properties, stated that they have been in business for about 25 years and have tried to have nice facilities that do not intrude into the residential areas. He submitted photographs indicating the type of facility that is proposed. The entrance will be an existing driveway between Golden Touch Car Wash and the strip shopping center.

Randall Kaplan, 302 Kemp Road West, stated that he is the current owner of the property in question, the strip shopping center and the Golden Touch Car Wash. He feels that the proposed use will be very compatible with the surrounding residential and commercial uses. Because of the topography of the land involved it will be difficult for the residential properties at the rear to have a clear view of the proposed use.

No one else wished to speak on this matter and Chair Wolf closed the public hearing.

Mr. Hails said that the GFLUM calls for Mixed Use Commercial for this property. It is surrounded by multifamily housing in two directions and retail development in the other two directions. It is felt that the topography of the subject property is an important issue for this property, as well as the fact that existing development does not have stub outs or connections to this site. Those two factors limit the amount of interaction with a walkable/driveable mixed use development but, because there is a mixed use context there already with several uses established, it is felt that is not a major drawback. The conditions attached to the request design and strengthen the compatibility with the surrounding area. Staff recommends approval of the request.

Mr. Gilmer moved to introduce the ordinance, seconded by Mr. Haynes. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Haynes, Kauber, Schneider, Shipman, Collins, Spangler. Nays: None. Abstained: Byrd.)

Mr. Wolf stated that Items B and C would be heard together.

B. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING CONDITIONAL USE – LIMITED OFFICE WITH THE FOLLOWING CONDITIONS: 1) USES: MEDICAL AND HEALTH CARE OFFICES AND FACILITIES, LABORATORIES, AND ACCESSORY AND ANCILLARY USES. 2) THE PROPERTY SHALL BE DEVELOPED IN ACCORDANCE WITH A CONDITIONAL USE LO ZONING SKETCH PLAN. 3) A 50-FOOT BUFFER MEETING THE SPECIFICATIONS OF A TYPE “A” PLANTING YARD AS PRESCRIBED BY THE GUILFORD COUNTY DEVELOPMENT ORDINANCE SHALL BE PROVIDED ALONG THE REAR AND PORTIONS OF THE SIDE YARD LINES AS SHOWN ON THE SKETCH PLAN. 4) EXISTING TREES AS SHOWN AND IDENTIFIED ON THE ZONING SKETCH PLAN SHALL BE RETAINED AND LEFT UNDISTURBED TO THE EXTENT PRACTICAL. - TO CITY ZONING CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITIONS: 1) USES: MEDICAL AND HEALTH CARE OFFICES AND FACILITIES, LABORATORIES, AND ACCESSORY AND ANCILLARY USES. 2) THE PROPERTY SHALL BE DEVELOPED IN ACCORDANCE WITH THE ZONING SKETCH PLAN. 3) A 50-FOOT BUFFER MEETING THE SPECIFICATIONS OF A TYPE “A” PLANTING YARD SHALL BE PROVIDED ALONG THE REAR AND PORTIONS OF THE SIDE YARD LINES AS SHOWN ON THE SKETCH PLAN. 4) EXISTING TREES AS SHOWN AND IDENTIFIED ON THE ZONING SKETCH PLAN SHALL BE RETAINED AND LEFT UNDISTURBED TO THE EXTENT PRACTICAL. - FOR A PORTION OF THE

PROPERTY LOCATED ON THE SOUTHEAST SIDE OF HIGH POINT ROAD SOUTH OF SUTTONWOOD DRIVE – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

- C. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING CONDITIONAL USE – RS-20 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: SINGLE FAMILY DETACHED DWELLINGS, EXCLUDING MODULAR, MANUFACTURED, AND MOBILE DWELLINGS. 2) NUMBER OF DWELLING UNITS NOT TO EXCEED 45. 3) 30-FOOT LANDSCAPE EASEMENT AS SHOWN ON DRAWING. 4) 20-FOOT COMMON AREA ON THE SOUTH SIDE OF SUTTONWOOD DRIVE AS SHOWN ON PRELIMINARY DRAWING. 5) AVERAGE LOT SIZE WILL BE 20,250 SQ. FT. OR GREATER WITH A RANGE BETWEEN 18,000 SQUARE FEET MINIMUM LOT SIZE AND 32,000 SQ. FT. MAXIMUM LOT SIZE. 6) MINIMUM 3,000 SQ. FT. HEATED HOUSE SIZE PER LOT AND CONDITIONAL USE – RS-20 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: LIMITED TO SINGLE FAMILY DETACHED DWELLINGS, EXCLUDING MODULAR, MANUFACTURED, AND MOBILE DWELLINGS. 2) AVERAGE LOT SIZE WILL BE 20,250 SQUARE FEET OR GREATER WITH A RANGE BETWEEN 18,000 SQUARE FEET AND 32,000 SQUARE FEET MAXIMUM LOT SIDE. 3) MINIMUM 3,000 HEATED SQUARE FOOT HOUSE SIZE PER LOT. TO CITY ZONING CONDITIONAL DISTRICT – RS-20 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: LIMITED TO SINGLE FAMILY DETACHED DWELLINGS, EXCLUDING MODULAR, MANUFACTURED, AND MOBILE DWELLINGS. 2) 30-FOOT LANDSCAPE EASEMENT AS SHOWN ON DRAWING. 3) 20-FOOT COMMON AREA ON THE SOUTH SIDE OF SUTTONWOOD DRIVE AS SHOWN ON PRELIMINARY DRAWING. 4) AVERAGE LOT SIZE WILL BE 20,250 SQ. FT. OR GREATER WITH A RANGE BETWEEN 18,000 SQ. FT. MINIMUM LOT SIZE AND 32,000 SQ. FT. MAXIMUM LOT SIZE. 6) MINIMUM 3,000 SQ. FT. HEATED HOUSE SIZE PER LOT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF SUTTONWOOD DRIVE NORTH OF SCOTLAND ROAD AND WEST OF ROCKINGHAM ROAD NORTH – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Steve Carihfield, 3308 Gaston Road, stated that he is the president of the Sedgefield Community Association representing about 300 families, which has been in existence since 1974. Their two concerns are about security and land useage. They previously worked very hard over a considerable amount of time to accomplish the same thing in this area. They are going to oppose the annexation. However, they do not oppose the zoning classification.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said that with regard to Item B, the request is a translation zoning and the office use is consistent with the Mixed Use Commercial and with other uses around it. Staff recommends the request. In regard to Item C, Low Residential is what is called for in the Comp Plan and the request is consistent with that. Both of these locations are on the fringe of what shows as an activity center in the Comp Plan. This specific request is felt to be compatible and generally fits into the plan and staff recommends approval of this request.

Mr. Byrd moved to recommend Item B to the City Council, seconded by Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Mr. Gilmer moved to recommend Item C to the City Council, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: None.)

D. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SALVAGE YARD, AUTO PARTS FACILITY WITH THE FOLLOWING CONDITIONS: 1) THERE SHALL BE A 100 FOOT NATURAL BUFFER ON THE NORTHERN, EASTERN AND SOUTHERN PORTIONS OF THE PROPERTY. 2) DEVELOPER SHALL INSTALL AND MAINTAIN AN 8 FOOT OPAQUE, OFF-WHITE, STEEL FENCE SURROUNDING THE ACTUAL VEHICULAR STORAGE AREA OF THE SUBJECT PROPERTY. 3) ALL FLUIDS SUCH AS GASOLINE, OIL, ANTIFREEZE, TRANSMISSION FLUID AND FREON WILL BE REMOVED FROM ALL VEHICLES UPON RECEIPT OF THE VEHICLE AT THE SUBJECT PROPERTY. ALL SUCH FLUIDS, EXCEPT ANTIFREEZE, WILL BE TRANSPORTED OFFSITE FOR RECYCLING. DEVELOPER SHALL RECONSTITUTE AND RESELL ANTIFREEZE ONSITE IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS. 4) PRIOR TO THEIR REMOVAL FROM THE SITE, ALL FLUIDS SHALL BE MAINTAINED IN ABOVE GROUND STORAGE TANKS. DEVELOPER SHALL MAINTAIN SUCH STORAGE TANKS UNDER A SPILL PREVENTION CONTAINMENT AND COUNTER MEASURES PLAN IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS. 5) TIRES SHALL REMAIN MOUNTED ON VEHICLES, AND THERE SHALL BE NO ONSITE STORAGE OF UNMOUNTED TIRES. 6) DEVELOPER SHALL IMPLEMENT A STORMWATER POLLUTION PREVENTION PLAN WITH APPROPRIATE DISCHARGE PERMITS AS REQUIRED BY STATE AND FEDERAL AGENCIES. 7) CARS SHALL REMAIN ONSITE FOR A MAXIMUM OF 120 DAYS. AT THE EXPIRATION OF 120 DAYS, VEHICLES SHALL THEN BE FLATTENED ONSITE AND TRANSPORTED TO A SHREDDER OFFSITE FOR RECYCLING. 8) ALL CARS ON DISPLAY SHALL BE PLACED ON STANDS APPROXIMATELY 18 INCHES OFF THE GROUND. 9) DEVELOPER SHALL PAVE THE CUSTOMER/EMPLOYEE PARKING LOT AND SHALL GRADE AND GRAVEL THE VEHICULAR STORAGE AREA. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHEAST SIDE OF CORPORATE PARK DRIVE EAST OF RUDD STATION ROAD AND NORTHWEST OF SUMMIT AVENUE – FOR SAM ASSOCIATES. (WITHDRAWN)

E. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF GLENSIDE DRIVE AND EAST SIDE OF SHELDON ROAD NORTH OF LUCAS AVENUE – FOR JOHN MARKS. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

John Marks, 4608 W. Wendover Avenue, stated that he has come before the Commission several times over the years for the very same zoning request. He presented information for the Commission members' review. He feels this is a perfect example of infill at its best as it is compatible with the GFLUM and with Connections 2025 objectives to promote compact urban development and provide affordable housing opportunities. This proposal helps promote mixed

income neighborhoods. A prior request that is only one block away was unanimously approved about a year ago by the Zoning Commission and City Council.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails stated that staff recommends denial of the request due to issues of the land uses and compatibility of the land uses. Since the zoning district goes with the land and not the developer, staff cannot focus primarily on the track record of the developer but must look at the land use, the lot sizes and the requested rezoning and its relationship to the surrounding area.

Mr. Collins moved to introduce the ordinance to City Council, seconded by Mr. Schneider. The Commission voted 7-2 in favor of the motion. (Ayes: Wolf, Collins, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: Gilmer and Shipman.)

E. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF GLENSIDE DRIVE BETWEEN LUCAS AVENUE AND DODSON STREET – FOR JOHN MARKS. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

John Marks, 4608 W. Wendover Avenue, stated that he wanted his testimony and comments from the previous request to apply to Item F. He also pointed out that he tries to preserve as many trees as possible when developing property and would do the same on this development. All the neighbors signed the petition in favor of this development.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails stated that staff recommends denial of the request for the same reasons as stated on Item F.

Mr. Haynes moved to introduce the ordinance to City Council, seconded by Mr. Byrd. The Commission voted 7-2 in favor of the motion. (Ayes: Wolf, Collins, Schneider, Kauber, Byrd, Haynes, Spangler. Nays: Gilmer and Shipman.)

G. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO A MAXIMUM OF TWO (2) DWELLING UNITS. 2) EXISTING STRUCTURES TO BE RETAINED. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF TWIN LAKES DRIVE (PRIVATE) BETWEEN PINECROFT ROAD AND YOW ROAD – FOR RICHARD AND MURIEL BOETTE. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Richard Boette, 2712 Twin Lakes Drive, stated that the house that is on the property was built in the mid to late 20s and the log cabin behind the house was built prior to that time and probably was one of the first structures built in that area. It has been discovered that an adequate foundation was not built under the cabin. They are not asking for any changes, but simply wish to have the cabin qualify for use as a residential dwelling.

In response to a question about a flag lot, Mr. Ruska stated that the accessory building would not meet the principle building setback and, therefore, a flag lot could not be created.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails stated that the GFLUM calls for low density residential and the request, even though it is to a multifamily residential district, conforms to that because there is a maximum of two dwelling units permitted which has been a long-term established use on the site. Staff recommends approval of the request.

Mr. Gilmer moved to introduce the ordinance to City Council, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Schneider, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

H. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – INFILL WITH THE FOLLOWING CONDITION: 1) TO BE COMBINED WITH AND BE DEVELOPED UNDER THE SAME CONDITIONS AS THE EXISTING CONDITIONAL DISTRICT – PDI DEVELOPMENT TO THE WEST. - FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF PISGAH CHURCH ROAD WEST OF CHURCH STREET – FOR KOURY CORPORATION. (APPROVED)

Chair Wolf stated that Mr. Byrd would be recused from this item as his law firm represents the applicant.

Mr. Schneider moved to approve Mr. Byrd's recusal, seconded by Mr. Haynes. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Schneider, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Ruska stated that the sketch plan has already been reviewed by the Technical Review Committee which allowed this application to go forth and it does show that this is going to be incorporated with their development which is underway. It will actually be used for parking and tree conservation area as well as a retention pond.

Chair Wolf pointed out that he would like it conveyed to Koury Corporation that they should give the Commission the courtesy of making a presentation as he does not like the impression it gives the public that Koury Corporation views such matters as done deals, as that is not the case.

Mr. Hails stated that the adjacent development of which this is basically a later phase is fully in keeping with the Mixed Use Commercial designation of the site and the Comp Plan and staff feels it is one of the more creative mixed use developments in suburban areas around town. The addition is in support of fulfilling the completion of the project and, as such, staff recommends approval.

Ms. Shipman moved to introduce the ordinance to City Council, seconded by Mr. Collins. The Commission voted 6-2-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Shipman, Byrd, Haynes, Spangler. Nays: Schneider and Kauber. Abstained: Byrd.)

L. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A REFUSE AND RAW MATERIALS TRANSFER POINT WITH THE FOLLOWING CONDITIONS: 1) ACCESS WILL BE SHARED WITH ADJACENT PROPERTY TO THE EAST. 2) MAXIMUM BUILDING SIZE WILL BE 7,000 SQUARE FEET. 3) THERE WILL BE AN ON-SITE FACILITY FOR WATERSHED COMPLIANCE. - FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF BURNT POPLAR ROAD WEST OF SOUTH CHIMNEY ROCK ROAD – FOR HILLTOP PROPERTIES, LLC. (APPROVED)

Chair Wolf stated that Mr. Byrd would be recused from this item as his law firm represents the applicant.

Mr. Schneider moved to approve Mr. Byrd's recusal, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Schneider, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

All speakers on this item were sworn or affirmed.

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, 300 N. Greene Street, was previously sworn and stated that he represents D.H. Griffin who is the principal in the entity of Hilltop Properties. He presented photographs and other information relevant to the property. In July 2004, a Special Use Permit was granted for the asphalt plant. Construction is under way and it is anticipated that production will start within the next few months. This particular facility today, is immediately adjacent to the proposed asphalt plant and will allow the applicant to take refuse from demolition projects. That material will be brought in and sorted out and then sent to whatever facility utilizes it again for recycling. The remainder goes into the local landfill. The use will not materially endanger the public health or safety and the area in which it is located assures that. There are some specific ordinances for this type of use and they will have to be met and complied with.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails stated that this is not a rezoning as it is currently Heavy Industrial and will remain so. It is in keeping with the Comp. Plan's Future Land Use Map that shows the area as Industrial/Corporate Park which is the most intense land use classification we have. Staff feels that the testimony and the staff report supports the findings about not endangering public health and safety, injuring value of adjoining properties and is in harmony with the surrounding area. As such, staff recommends approval of the request.

Mr. Haynes moved to introduce the ordinance granting a Special Use Permit for use of this property for refuse and raw materials and transfer point be approved based on the following findings of fact: the use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent in the proposed use of the property at this specific location; the use will meet the restrictions imposed by the applicant which requires shared access with the property to the east, a maximum building size of 7,000 square feet, and an on-site facility for watershed compliance; the use will not substantially injure the value of adjoining or abutting property because all surrounding property is currently zoned for the full range of uses permitted under the Heavy Industrial zoning classification; and the location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this area is uniformly zoned Heavy Industrial and this area is designated as Industrial/Corporate Park by Connections 2025, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Schneider, Gilmer, Shipman, Kauber, Haynes, Spangler. Nays: None. Abstained: Byrd.)

At this time a 10 minute break was taken from 3:44 p.m. until 3:55 p.m.

J. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO RM-18 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF BELMONT STREET SOUTH OF OLD JONES ROAD – FOR D. ERIC STURDIVANT. (DENIED)

Chair Wolf stated that Mr. Byrd would be excused from the rest of the meeting.

Mr. Gilmer moved to approve Mr. Byrd's excused absence from the remainder of the meeting, seconded by Ms. Shipman. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Schneider, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Eric Sturdivant, 1804 Sharp Road, stated that he would like to rezone this property to allow the construction of low to moderate income housing. The City's Comp Plan calls for this area to be rezoned to RM-18.

Chair Wolf asked if there was anyone to speak in opposition to this request.

Dave Tomlinson stated that he owns property at 1710 Harding Street, and he plans to put single family on this property. He has also purchased some other lots on Temple Street that he plans to build himself a home to get away from apartments. This area is a mixed neighborhood and the residents do not want apartments in this area as it brings undesirable residents to the area. He is strongly opposed to this request.

Cynthia Logan, 2001 Old Jones Road, stated that she lives beside Summertree Apartments and there have been many problems created by these apartments being in a single family neighborhood. Their quality of life changed drastically once the apartments came to this area. There is no barrier or buffer between the single family and multifamily. She has no privacy, there are domestic violence issues, drug deals, loud music, trash in her yard that is being pitched over her fence, children without supervision jumping over the fence and stealing vegetables from her garden, dogs running loose, and a lot of other issues.

Roy Young, 1903 Old Jones Road, stated that he is in the process of purchasing property in this area but he is hesitant because of the property values in this area. He is also concerned about the increase in traffic and increased danger to the children in the area.

Debra Norris, 3622 Temple Street, stated that they were not able to oppose the opening of Belmont Street. The proposed apartment will further encroach into the single family designation of the area.

Jessie Ferrell, 1907 Old Jones Road, stated that she has lived there for about 60 years. She is concerned about the increase in traffic and about the safety of the children in the neighborhood.

Eric Sturdivant spoke in rebuttal and stated that although he sympathizes with the complaints of the residents he really does not have any control over the apartments and the road coming through. There will be 2 new houses in the development of the property. There was previously 2 houses on the property that were eyesores and had fallen into disrepair.

In response to a question by Ms. Norris, Chair Wolf stated that the Commission has to consider this request without any restriction. Therefore, the Commission has to make a decision based on anything that can be put in RM-18 zoning, not just what the applicant has presented.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails stated that staff has spoken about some of the trends in the area and the property just to the south was rezoned in August 2003 for multifamily development and when that is constructed they would construct direct access from an extension of Belmont Street to Tolar Drive and not access through the single family parts of the neighborhood. The GFLUM was put together to designate the entire area as high density residential. It is isolated and has a lot of highways around it. This is a small site and has a limited amount of multifamily and is not viewed as a large impact issue. Staff recommends approval of the request.

Mr. Gilmer moved to introduce the ordinance to City Council, seconded by Ms. Shipman. The Commission voted 2-6 in favor of the motion. (Ayes: Gilmer and Shipman. Nays: Wolf, Collins, Byrd, Haynes, Spangler.)

K. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN GB, EXCLUDING USES WITH DRIVE-THRU SERVICE, BANKS AND GASOLINE SERVICE STATIONS, WITH THE EXCEPTION OF THE FOLLOWING: (A) ANY AGRICULTURAL USES; (B) ANY RESIDENTIAL USES; (C) ANY RECREATIONAL USES; (D) THE FOLLOWING BUSINESS AND PROFESSIONAL SERVICES: AUTOMOBILE RENTAL OR LEASING; BOAT REPAIRS; EQUIPMENT RENTAL & LEASING; FUNERAL HOMES OR CREMATORIIUMS; LAUDROMATS, COIN OPERATED; LAUNDRY OR DRY CLEANING PLANTS; MOTION PICTURE PRODUCTIONS; NONCOMMERCIAL RESEARCH ORGANIZATIONS; PEST OR TERMITE CONTROL SERVICES; SECURITY SERVICES; TAXIDERMISTS; TELEVISION, RADIO OR ELECTRONIC REPAIRS; INDOOR THEATERS; TOURIST HOMES (BED & BREAKFASTS); TRUCK AND UTILITY TRAILER RENTAL OR LEASING, LIGHT; ADVERTISING SERVICES, OUTDOOR; KENNELS OR PET GROOMING SERVICES; VETERINARY SERVICES; (E) TRANSPORTATION, WAREHOUSING AND UTILITY USES; (F) MANUFACTURING AND INDUSTRIAL USES; (G) THE FOLLOWING OTHER USES: ARTS AND CRAFTS SHOWS, CARNIVALS AND FAIRS, CHRISTMAS TREE SALES. 2) THE MAXIMUM ALLOWABLE BUILDING

SQUARE FOOTAGE OF DEVELOPMENT FOR PROPERTY WILL BE 31,000 SQUARE FEET. 3) THE PROPERTY WILL BE DESIGNED AND DEVELOPED IN A UNIFIED MANNER AND WILL INCORPORATE SIMILAR AND COMPLIMENTARY ARCHITECTURAL FEATURES SUCH AS MASONRY MATERIALS AND ROOF MATERIALS, PLANTING MATERIALS AND PAVING SURFACES. 4) SITE LIGHTING WILL BE DESIGNED IN A MANNER AS TO ELIMINATE DIRECT ILLUMINATION ONTO ADJACENT PROPERTIES. 5) THE DEVELOPMENT WILL BE DESIGNED TO ALLOW FOR INTERNAL VEHICULAR AND PEDESTRIAN CONNECTIVITY BETWEEN ANY FREESTANDING BUILDINGS WITHIN THE DEVELOPMENT. VEHICULAR CONNECTIVITY WILL BE ACCOMMODATED BY SHARED DRIVEWAYS AND CROSS CONNECTIONS. PEDESTRIAN CONNECTIVITY WILL BE ACCOMMODATED BY PROVISION OF SIDEWALKS AND PAINTED CROSSWALKS INTERNALLY WITHIN THE PROPERTY. 6) ALL TRASH HANDLING SERVICE AREAS WITHIN THE DEVELOPMENT WILL BE SCREENED FROM PUBLIC VIEW. 7) SIDEWALKS MEETING CITY OF GREENSBORO STANDARDS WILL BE CONSTRUCTED BY DEVELOPER ALONG THE FRONTAGE OF THE PROPERTY ON PISGAH CHURCH ROAD. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF LEES CHAPEL ROAD BETWEEN CHURCH STREET AND COLTRAIN ROAD – FOR WINDSOR COMMERCIAL PROPERTIES, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, 300 N. Greene Street, stated that he represents Windsor Commercial Properties. They have worked with staff to come up with the zoning conditions in order to address a number of concerns, including the aesthetic appearance of the project. The property has been underutilized for some time and it is the hope that an appropriate development of this property will be an inspiration for some improvement of development in the immediate area. There is no established residential neighborhood residential in the area.

Buddy Seymour, 2311 W. Cone Boulevard, stated that they plan to develop the subject property with a mix of uses, general office professional and medical uses, as well as some retail and service type businesses. They have worked with staff in reviewing the conditions of some of the rezonings that have taken place and they see this as an extension of the development and redevelopment that has been happening from Elm Street eastward along Pisgah Church Road and they wish to continue that to Lee's Chapel Road. They feel that this development will enhance the area. They are planning several buildings on the property being residential in style with gable roof and shingles that will enhance the appearance of that area and continue with the redevelopment of the area.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails stated that this area is shown on the Comprehensive Plan as Mixed Use Commercial development, that entire section from N. Elm Street to N. Church Street is also designated in the Comp. Plan as an activity center promoting higher density mixed uses. Because it is in a suburban location where it is more difficult to achieve active mixed use, staff feels it is important to be continuing that trend. It is felt that this request is compatible with that and recommends approval of the request.

Ms. Shipman moved to introduce the ordinance to City Council, seconded by Mr. Collins. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Byrd, Haynes, Spangler. Nays: None.)

- L. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – SHOPPING CENTER WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED IN THE SHOPPING CENTER DISTRICT. 2) DEVELOPER SHALL INSTALL A SIX FOOT OPAQUE FENCE ALONG THE ADJOINING PROPERTIES WHICH ARE ZONED RESIDENTIAL. 3) ALL BUILDINGS SHALL BE OF BRICK AND MASONRY CONSTRUCTION. 4) DEVELOPER SHALL DOUBLE THE RATE OF THE REQUIRED STREET PLANTINGS AND THE REQUIRED PLANTINGS IN THE BUFFERS ALONG THE ADJOINING PROPERTIES WHICH ARE ZONED RESIDENTIAL. PROPERTY WILL BE DEVELOPED IN CONJUNCTION WITH THE PROPERTY TO THE EAST WITH CROSS ACCESS PROVIDED BETWEEN THE TWO COMMERCIALLY ZONED PARCELS. 6) THERE SHALL BE A MAXIMUM OF TWO DRIVEWAYS ON PISGAH CHURCH ROAD. THE WESTERNMOST DRIVEWAY WILL BE FULL ACCESS AND THE EASTERNMOST DRIVEWAY WILL BE RIGHT IN, RIGHT OUT ONLY, THE LOCATION OF WHICH SHALL BE APPROVED BY GDOT. TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ONLY USES ALLOWED IN SC ZONING WILL BE PERMITTED. 2) ONLY ONE PYLON SIGN WILL BE ERECTED ON PISGAH CHURCH ROAD TO SERVE ALL OF THE USES INCLUDED IN THE 2.94 ACRE PARCEL. 3) NO BUSINESS WITH ITS PRINCIPAL USE BEING A “BAR” WILL BE PERMITTED ON THIS PROPERTY. 4) DEVELOPER WILL INSTALL A SIX FOOT OPAQUE FENCE ALONG THE ADJOINING PROPERTIES THAT ARE ZONED RESIDENTIAL. 5) ALL BUILDINGS WILL BE OF BRICK AND/OR MASONRY STYLE CONSTRUCTION. 6) DEVELOPER WILL DOUBLE THE RATE OF REQUIRED PLANTINGS IN THE BUFFERS ALONG THE ADJOINING PROPERTIES WHICH ARE ZONED RESIDENTIAL. 7) PROPERTY WILL BE DEVELOPED WITH CROSS ACCESS TO THE WALGREEN’S PROPERTY TO THE EAST. 8) THERE WILL BE A MAXIMUM OF ONE DRIVEWAY WHICH WILL BE FULL ACCESS AT THE WESTERNMOST PORTION OF THE PROPERTY ALONG PISGAH CHURCH ROAD. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF PISGAH CHURCH ROAD BETWEEN BAYLOR STREET AND NORTH ELM STREET – FOR STEPHEN C. AUSTIN. (CONTINUED)**

Mr. Collins stated that Mr. Austin had indicated that he would like to continue this request.

Chair Wolf asked if there was anyone present who wished to speak in favor of or in opposition to the request and no one came forward.

Mr. Gilmer moved to continue this item, seconded by Ms. Shipman. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Byrd, Haynes, Spangler. Nays: None.)

- M. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 AND REZONING FROM CITY ZONING RS-20 RESIDENTIAL SINGLE FAMILY, RS-12 RESIDENTIAL SINGLE FAMILY, CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY (FOR 92 SINGLE FAMILY ATTACHED FOR SALE UNITS), GENERAL OFFICE MODERATE INTENSITY, HIGHWAY BUSINESS, AND CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED IN THE LB ZONING DISTRICT PLUS RESTAURANTS (NO DRIVE-THRU) AND RETAIL WINE SALES INCLUDING PERIODIC WINE TASTINGS, CLASSES AND RELATED WINE-TASTING EVENTS AS ALLOWED IN THE GB ZONING DISTRICT.**

EXCEPT THE FOLLOWING SHALL NOT BE PERMITTED: MINIATURE GOLF COURSE, CONVENIENCE STORES (WITH OR WITHOUT FUEL PUMPS), GASOLINE SERVICE STATION, JUNKED MOTOR VEHICLES, LAND CLEARING AND INERT DEBRIS LANDFILLS. 2) NO METAL BUILDINGS. 3) EXTERIOR LIGHTING SHALL BE DIRECTED AWAY FROM ADJOINING PROPERTIES. 4) APPLICANT SHALL CONSTRUCT AND MAINTAIN A WOOD OPAQUE OR SHADOWBOX FENCE ALONG ANY ADJOINING RESIDENTIALLY ZONED PROPERTY. 5) APPLICANT SHALL COOPERATE WITH THE CITY'S URBAN FORESTER TO PRESERVE EXISTING TREES ALONG ANY RESIDENTIALLY ZONED PROPERTY. TO CITY ZONING CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – MIXED WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED IN A CD-PDM EXCLUDING LIGHT INDUSTRIAL USES. 2) THIS SHALL BE A UNIFIED DEVELOPMENT WITH A COMMON SCHEME FOR SIGNAGE, BUILDING MATERIALS, LIGHTING, LANDSCAPING, HARDSCAPING (E.G. PAVERS, TEXTURED ASPHALT AND/OR CONCRETE AND RAISED CROSSWALKS) AND EXTERIOR FURNISHINGS. 3) ALL PERIMETER LIGHTING SHALL BE DIRECTED TOWARD THE INTERIOR OF THE SUBJECT DEVELOPMENT. 4) DEVELOPER WILL PROVIDE A PEDESTRIAN/VEHICULAR ACCESS BETWEEN THE COMMERCIAL SECTION AND THE TWO RESIDENTIAL TOWNHOUSE SECTIONS. 5) DEVELOPER WILL CREATE AND PROVIDE A CENTRALIZED PEDESTRIAN PLAZA AREA TO LINK THE MAJOR COMMERCIAL AREA AND RESIDENTIAL SECTIONS ON THE WEST SIDE OF MICHAUX ROAD. 6) DEVELOPER WILL CREATE A PEDESTRIAN/VEHICULAR ACCESS TO THE COMMERCIAL SECTION ON MICHAUX ROAD TO BE ALIGNED WITH THE ACCESS SERVING THE RESIDENTIAL SECTION EAST OF MICHAUX ROAD. 7) THE MAXIMUM NUMBER OF DWELLING UNITS WITHIN THE AREA CLASSIFIED AS LOW RESIDENTIAL, AS SHOWN ON THE GENERALIZED FUTURE LAND USE MAP, SHALL NOT EXCEED 6.0. 8) WITH RESPECT TO THE COMMERCIAL BUILDINGS FRONTING ON OLD BATTLEGROUND ROAD, AT LEAST 50 PERCENT OF THE BUILDINGS SHALL BE LOCATED WITHOUT INTERVENING PARKING BETWEEN THE RIGHT-OF-WAY LINE OF OLD BATTLEGROUND ROAD AND THE BUILDINGS FRONTING OLD BATTLEGROUND ROAD. WITH RESPECT TO THE COMMERCIAL BUILDINGS FRONTING ON US HIGHWAY 220 (BATTLEGROUND AVENUE), NO MORE THAN A DOUBLE LOADED PARKING BAY SHALL BE PROVIDED BETWEEN THE BUILDINGS AND THE US HIGHWAY 220 RIGHT-OF-WAY. 9) IN THE COMMERCIAL SECTION, DEVELOPER WILL USE VARIATION, ARTICULATION, FENESTRATION AND SIGNATURE ARCHITECTURAL ELEMENTS ON BUILDING FACADES TO HELP CREATE DISTINCT CHARACTER AND HUMAN SCALE TO PROVIDE THE APPEARANCE OF SMALL NEIGHBORHOOD SERVING COMMERCIAL USES. 10) IN THE COMMERCIAL AREA OF THE DEVELOPMENT ONLY, DEVELOPER WILL LESSEN THE APPEARANCE OF LARGE EXPANSES OF PARKING BY PROVIDING LANDSCAPING IN PARKING LOT AREAS AND DESIGNATED PATHWAYS FOR PEDESTRIANS IN AMOUNTS EXCEEDING STANDARD ORDINANCE REQUIREMENTS. 11) DEVELOPER SHALL CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE ON BATTLEGROUND AVENUE (US HIGHWAY 220) FROM THE INTERSECTION OF THE OLD BATTLEGROUND ROAD AND HORSE PEN CREEK ROAD TO THE NORTHERN LIMITS OF THE COMMERCIAL COMPONENT OF THE DEVELOPMENT. 12) DEVELOPER SHALL CONSTRUCT AN ADDITIONAL WESTBOUND LANE ALONG THE NORTH SIDE OF OLD BATTLEGROUND ROAD FROM MICHAUX ROAD TO BATTLEGROUND AVENUE. THIS LANE WILL SERVE AS A WESTBOUND RIGHT TURN LANE INTO THE DEVELOPMENT AND AT THE BATTLEGROUND AVENUE INTERSECTION. 3) DEVELOPER SHALL CLOSE THE CURRENT DRIVEWAY LOCATED ON OLD BATTLEGROUND ROAD APPROXIMATELY 300 FEET EAST OF BATTLEGROUND AVENUE. 14) AT SITE ACCESS NO. 1 ON BATTLEGROUND

AVENUE. DEVELOPER SHALL CONSTRUCT SEPARATE WESTBOUND LEFT AND RIGHT TURN LANES EXITING THE SITE, A SOUTHBOUND LEFT TURN LANE INTO THE SITE, AND A NORTHBOUND RIGHT TURN LANE INTO THE SITE. 15) AT SITE ACCESS NO. 2 ON BATTLEGROUND AVENUE, IF INSTALLED, DEVELOPER SHALL CONSTRUCT A WESTBOUND RIGHT TURN LANE EXITING THE SITE AND A NORTHBOUND RIGHT TURN LANE INTO THE SITE. 16) AT SITE ACCESS NO. 3 ON BATTLEGROUND AVENUE, DEVELOPER SHALL CONSTRUCT A CHANNELIZED SOUTHBOUND LEFT TURN LANE INTO THE SITE RESTRICTING THE WESTBOUND LEFT MOVEMENT EXITING THE SITE, A SINGLE RIGHT TURN LANE EXITING THE SITE, AND A NORTHBOUND RIGHT TURN LANE INTO THE SITE. 17) AT SITE ACCESS NO. 4 ON BATTLEGROUND AVENUE, IF INSTALLED, DEVELOPER SHALL CONSTRUCT A WESTBOUND RIGHT TURN LANE EXITING THE SITE AND A NORTHBOUND RIGHT TURN LANE INTO THE SITE. 18) THERE SHALL BE A MAXIMUM OF ONE POINT OF ACCESS ON OLD BATTLEGROUND ROAD. SEPARATE SOUTHBOUND LEFT AND RIGHT TURN LANES EXITING THE SITE, A WESTBOUND RIGHT TURN LANE INTO THE SITE AND AN EASTBOUND LEFT TURN LANE INTO THE SITE SHALL BE CONSTRUCTED BY THE DEVELOPER AT SITE ACCESS NO. 5 (AS SHOWN IN THE TRAFFIC IMPACT STUDY). 19) DEVELOPER SHALL CONSTRUCT A FULL MOVEMENT ACCESS DRIVE ON MICHAUX ROAD AT SITE ACCESS NO. 6 TO SERVE THE NEW TOWNHOMES EAST OF MICHAUX ROAD. 20) DEVELOPER SHALL CONSTRUCT A FULL MOVEMENT ACCESS DRIVE ON MICHAUX ROAD AT SITE ACCESS NO. 7 TO SERVE THE SHOPPING CENTER. THIS ACCESS SHALL BE DESIGNED TO PROHIBIT TRACTOR TRAILERS FROM HAVING DIRECT ACCESS TO THE REAR SERVICE AREA, THEREBY DISCOURAGING TRUCKS FROM ENTERING AND EXITING THE SITE AT THIS ACCESS. 21) DEVELOPER SHALL CONSTRUCT A FULL MOVEMENT ACCESS DRIVE ON MICHAUX ROAD AT SITE ACCESS NO. 8 TO SERVE THE NEW TOWNHOMES WEST OF MICHAUX ROAD. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF OLD BATTLEGROUND ROAD BETWEEN US 220 NORTH (BATTLEGROUND AVENUE) AND MICHAUX ROAD/WHITE HORSE DRIVE – FOR C. RICHARD VAUGHN, JR. ET AL. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Henry Isaacson, 101 W. Friendly Avenue, representing the applicants, presented handouts to the Commission for their review. He stated he wished to add conditions to the application:

- 22) Developer shall construct an eastbound left turn lane on Old Battleground Road at its intersection with Michaux Road.
- 23) Developer shall construct a southbound left turn lane and a southbound right turn lane on Michaux Road at its intersection with Old Battleground Road.
- 24) Developer shall provide a 30 foot landscape buffer along the western side of Michaux Road from tax parcel 3-173-845-42, southward to the shopping center driveway on Michaux Road.

Mr. Collins moved to accept the additional conditions, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Byrd, Haynes, Spangler. Nays: None.)

Mr. Isaacson stated that the additional conditions resulted from several meetings with the neighbors. It was learned that the City Council did not wish to change the designation to commercial. Therefore, they withdrew their previous application and submitted a revised plan that would incorporate the lessons learned from the debate and one that hopefully would be embraced by City staff. It is felt that City staff's mixed use proposal is a more realistic vision for this area and one that will be approved. The City initiated a change in that GFLUM to Mixed Use Residential. He spoke in detail about the handout presented to the Commission. He stated that this property is located at one of the gateways into the City. Currently it is a hodgepodge of different uses and the topography is terrible. This zoning application will accommodate commercial and residential uses in the area. The entire development will be based on a community concept with common signage, area lighting, paving materials, color and the preservation of natural areas. This fits within the Mixed Use Residential description on the Comp Plan map. Steps have been taken to mitigate the impact of traffic as a result of the proposed development.

Rick Vaughn, Granite Development, stated that the key to this development is that it will be a unified plan where all aspects of the retail and residential will be of a similar design using similar products.

Roy Carroll, Old South Home Company, stated that they plan to build the apartment portion of this development. They plan to build approximately 280 apartments on the site. They have diligently tried to get a traffic signal at their intersection with Battleground Avenue. It is felt that this development will be a great asset to this area.

Roger Green, 3417 Derbywood Drive, stated that he has been very involved in this project. They have met with the developer and it is felt that the developer has tried to accommodate some of their original objections to the project. He supports this development and feels that the developer is very responsible and the conditions will help the property values.

No one else came forward to speak either in favor of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails stated that staff has spent a considerable amount of time, as well as the developer, in trying to put together a project that conforms with the Comp Plan designation. The Mixed Use Residential designation cuts through the site and includes about half of it and the portion of the project that is outside of it to the north in several locations, averages a density of about 5.2 units per acre. That falls within the maximum density permitted by low density residential in the 5-6 units per acre category. The area within the Mixed Use Residential has substantial connectivity, unified design and in general what staff looks for in mixed use development. Staff recommends the request.

Mr. Gilmer moved to introduce the ordinance to City Council, seconded by Ms. Shipman. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Shipman, Gilmer, Schneider, Kauber, Haynes, Spangler. Nays: None.)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails stated that City Council has requested consideration of a possible merger of the Zoning Commission and the Planning Board. Staff has conducted a survey of some of the other major North Carolina cities and that will be sent to City Council in the next few days. Charlotte, Raleigh, Durham, Winston-Salem, High Point have a merged Planning Commission and some of them meet as a single body and some meet as split bodies each month. He explained how several of the

different cities handle their meetings. Any comments of the Commission will be forwarded to City Council.

After some discussion Mr. Gilmer moved that there be 2 meetings per month. There was no second and the motion died.

Mr. Ruska stated that the last case involved original zoning, therefore the action was a favorable recommendation that has to go to City Council on March 1st.

Mr. Hails presented some flyers concerning some upcoming transportation meetings and workshops.

* * * * *

There being no further business before the Commission, the meeting adjourned at 5:55 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.jd